

# Alaska Department of Law

Civil Division



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Civil Division

House Law Finance Subcommittee

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# WHAT DOES THE CIVIL DIVISION DO?



The civil division provides high-quality legal services to the executive branch through litigation, agency advice, research, legislative drafting, regulatory review, case management, and fostering good governance.  
(In short, almost everything.)



FEBRUARY 7, 2025



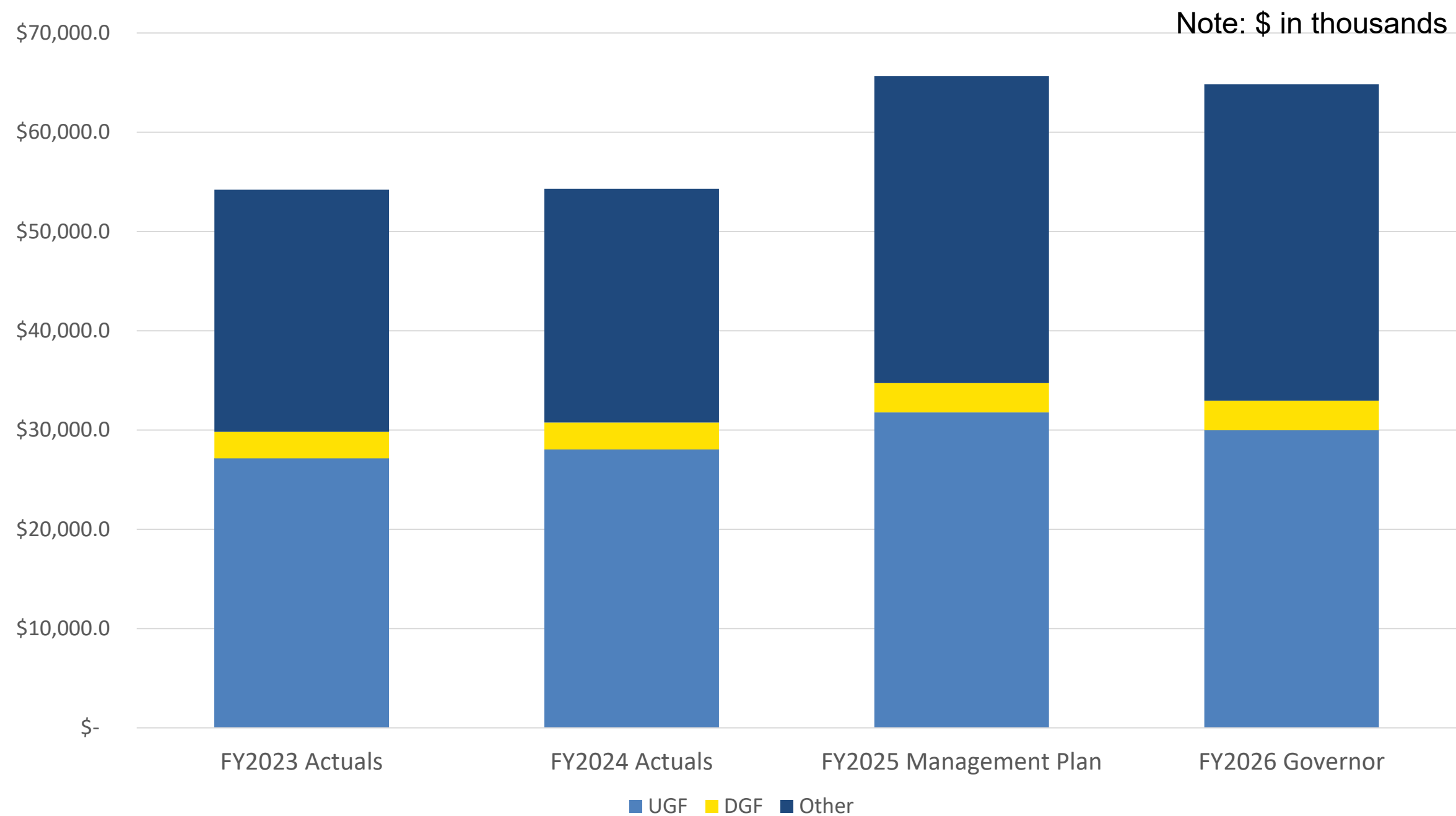
HOUSE LAW FINANCE SUBCOMMITTEE



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# FUNDING SOURCES



Funding Source	FY2023 Actuals	FY2024 Actuals	FY2025 Management Plan	FY2026 Governor
Unrestricted General Fund	\$ 27,143.0	\$ 28,048.8	\$ 31,784.9	\$ 29,988.5
Designated General Fund	\$ 2,677.2	\$ 2,704.2	\$ 2,955.2	\$ 2,966.5
Other	\$ 24,382.1	\$ 23,549.5	\$ 30,903.0	\$ 31,862.9
Total	\$ 54,202.3	\$ 54,302.5	\$ 65,643.1	\$ 64,817.9



# WHAT LAW'S GENERAL FUNDS PAYS FOR



Protecting Children

Essential Government Operations

Resource Management and Development

# LOOKING BACK

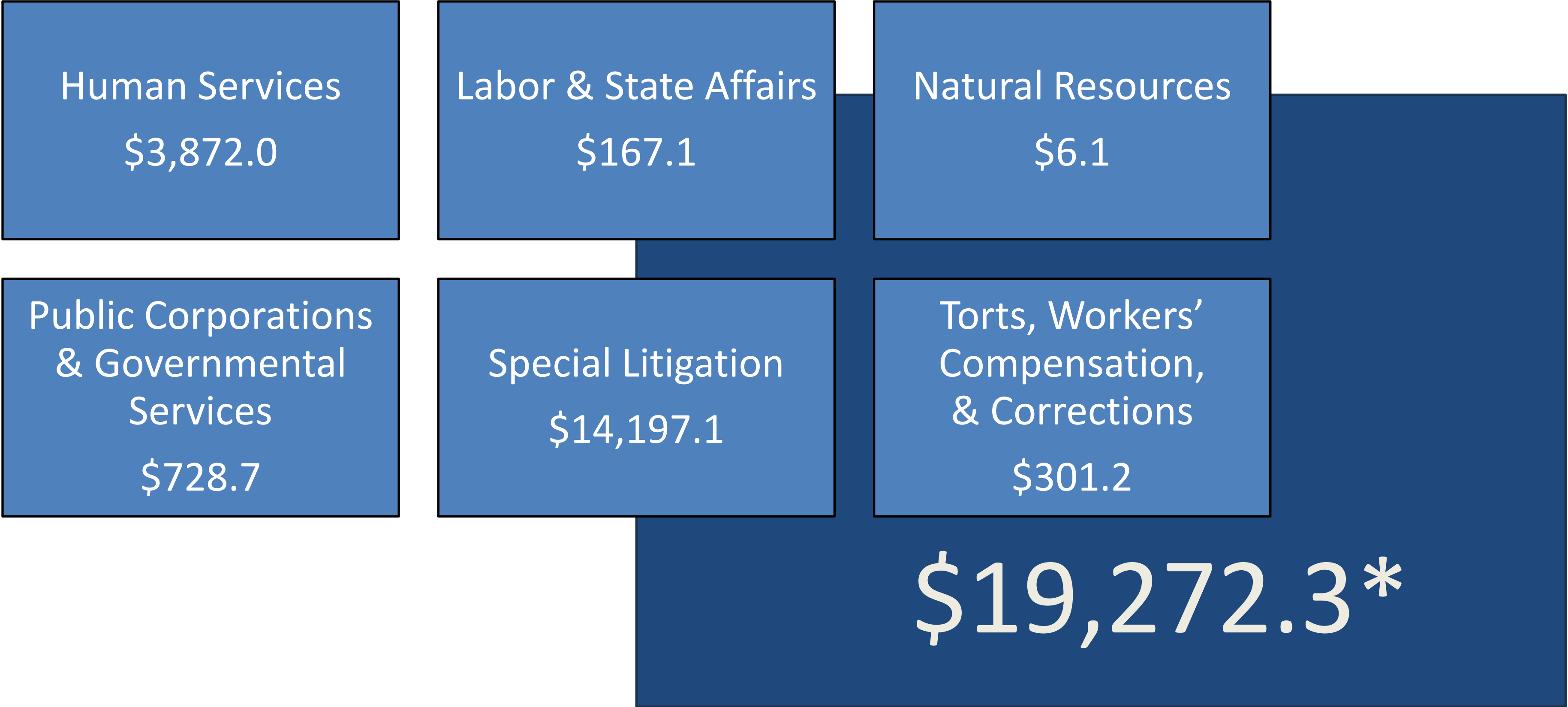


FY2024 saw great performance throughout the Civil Division, including litigation successes, increased employee retention, and collection of money back into the State treasury.

# FY2024 MONIES COLLECTED



Note: \$ in thousands



\*Does not include approx. \$100,000.0 secured for opioid remediation



# FY2024 DIVISION HIGHLIGHTS



## GOVERNMENT SERVICES



- Monitored each introduced bill during the 33rd Legislature
- Streamlined regulations process to reduce time to promulgate rules
- Updated and revised statewide retention policies and guidance
- Advised the Executive Branch on cybersecurity issues, artificial intelligence, and state and federal confidentiality issues
- Developed and implemented expansion of the Civil Division Fellows Program

## CIVIL DEFENSE LITIGATION



- Maintained an active corrections caseload, including petitions for post-conviction relief, administrative appeals, and civil rights litigation
- Continued to defend all state agencies as the employer in litigated claims before the Workers' Compensations Board
- Represented state agencies in lawsuits for damages or civil rights violations with Risk Management

## HEALTH, SAFETY, AND WELFARE



- Continued to effectively represent the Department of Children and Family Services in every Child in Need of Aid case filed in the state
- Played a key role in defending the Division of Public Assistance in three significant class action lawsuits
- Helped develop Dept. of Health's Behavioral Health Roadmap Project
- Helped operationalize new statute regarding criminal defendants not competent to stand trial

# FY2024 DIVISION HIGHLIGHTS

## RESOURCE DEVELOPMENT AND INFRASTRUCTURE



- Advised and litigated several cases relating to public access rights to public water and public lands
- Supported state agencies on implementation issues and creation regulatory frameworks for carbon storage projects
- Finalized a major amendment to the state air quality plan for Fairbanks
- Advised and defended DOT&PF in development and delivery of \$1B in highway and airport projects

## LABOR, BUSINESS, AND CORPORATIONS



- Recovered pension funds and permanent fund payments in securities fraud cases totaling \$400K
- Advised and represented the Lt. Governor and the Div. of Elections during primary and general elections
- Represented Occupational Licensing in many significant and successful lawsuits involving health care practitioners who presented a danger to the public
- Began transitioning labor relations work to the Department of Law

## SPECIAL LITIGATION AND APPEALS



- Represented state agencies against a variety of constitutional and statutory claims in education, elections, natural resources, public welfare, and child welfare cases
- Received favorable decisions from the Alaska Supreme Court in several major lawsuits, recovering millions of dollars in settlement funds
- Promoted and enforced compliance with the Alaska Executive Branch Ethics Act through advice, trainings, and drafting opinions



# UPDATE ON FY2025 BUDGET ADDITIONS



FY2025 has seen a positive impact from the Legislature's approval of certain additions last year, as well as the year before, including our new tribal liaison, expansion of consumer protection, adding to our Child Protection Section, and successes in asserting the State's resource management and development rights.



# IMPROVING TRIBAL RELATIONS

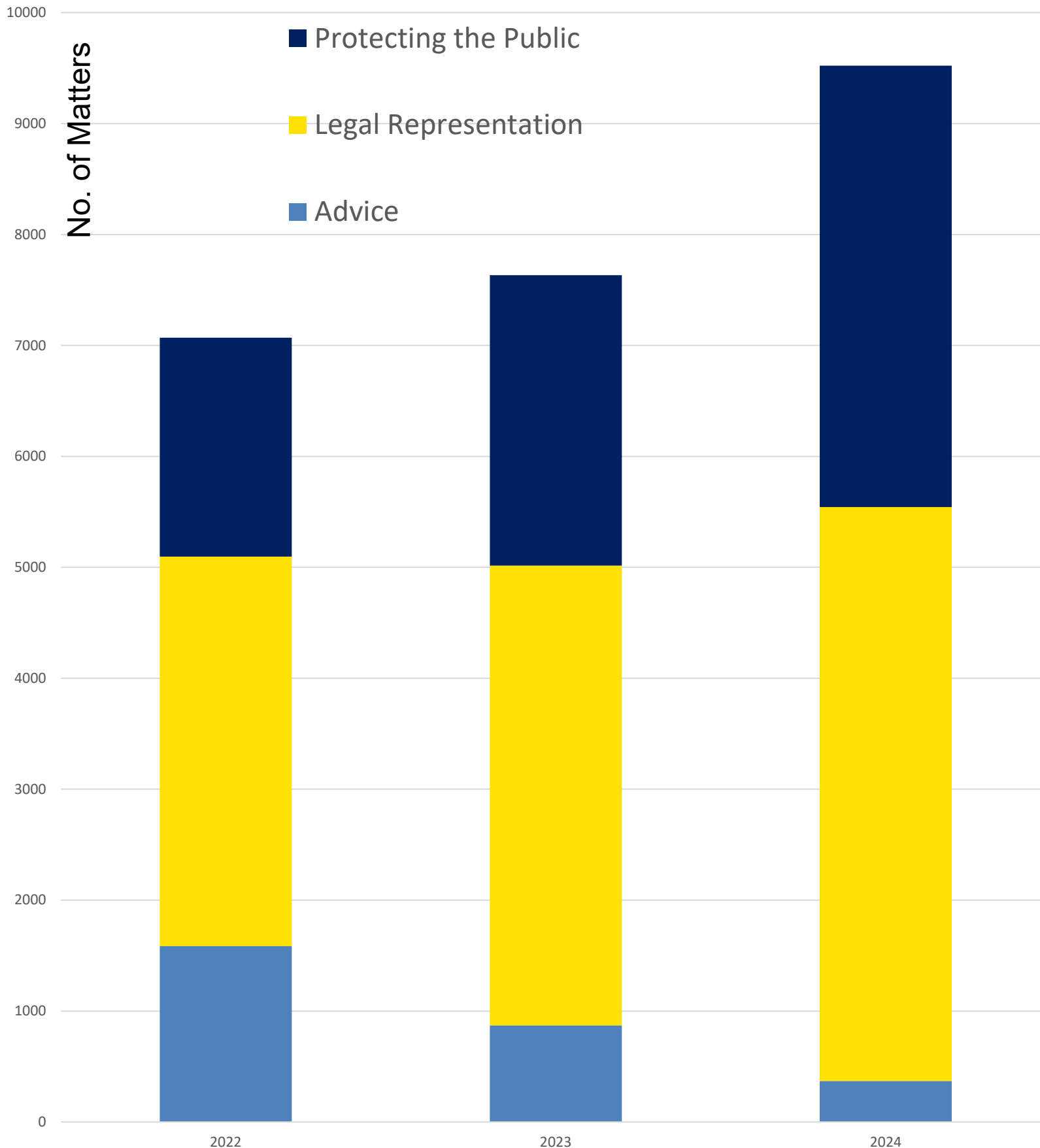
Established two Tribal Liaisons (one each for the Civil and Criminal Division) to strengthen partnerships between the Department and Alaska Native communities, tribes, and corporations

Liaisons work on issues from mediating disagreements to engaging in civil litigation, working to enhance collaboration and coordination, and developing State-Tribal Compacts

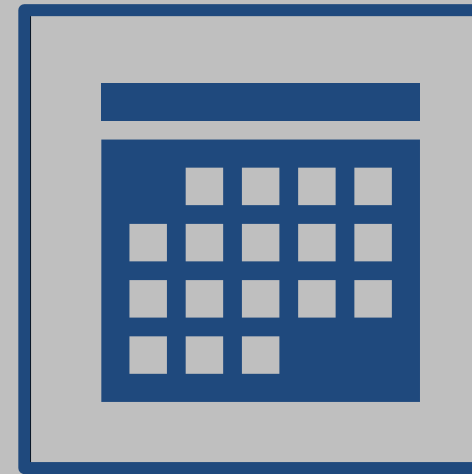




# EXPANDED THE CONSUMER PROTECTION UNIT



## FY2024 & FY2025 RECOVERY



### FY2025 (SO FAR)

- **\$7,300.0** IN AWARDS TO SOA
- **\$188.2** IN SETTLEMENTS AND JUDGMENTS FOR ALASKANS
- OPENED **10** NEW INVESTIGATIONS

### FY2024

- **\$14,050.0** IN AWARDS TO SOA

Note: \$ in thousands

## CURRENT CASE HIGHLIGHTS

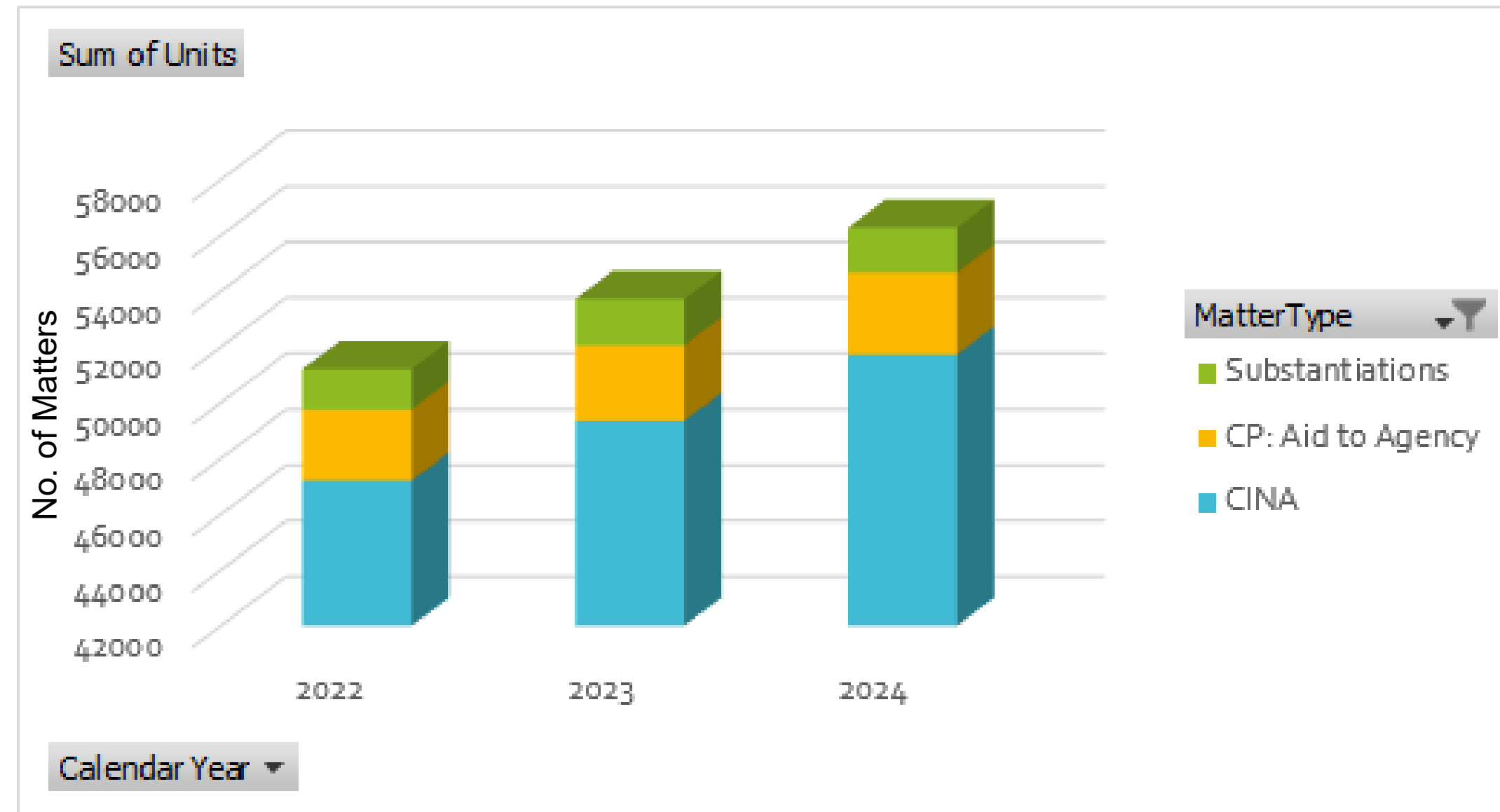


- JUUL  
ALLEGING COMPANY MARKETING VAPING DEVICES TO CHILDREN
- B. MERRY STUDIO  
ALLEGING COMPANY SOLD PHILIPPINE-MADE KNIVES & CRAFTS AS "ALASKA-MADE"
- SWICKARD AUTO GROUP  
ALLEGING CAR DEALERSHIP ENGAGED IN FALSE AND DECEPTIVE ADVERTISING AND ILLEGAL FEES

# CHILD PROTECTION ADDITIONS

The Child Protection workload has continued to increase year over year, but FY2025 saw some improvements:

- Adding an additional attorney and an additional paralegal helped spread out the workload
- Recruited an attorney in Fairbanks to handle Fairbanks cases
- FY2025 goal: to connect attorneys directly with the community whenever possible





# SUCCESSSES IN FEDERAL ISSUES LITIGATION

- Maintained the Incidental Take Regulation for Polar Bears, ensuring no disruption to resource development on the North Slope
- Kept commercial Chinook fishing open in Southeast Alaska while the National Marine Fisheries Service completes a new biological opinion
- Received favorable decision overturning the vast critical habitat designation for ice seals that would hinder resource development (On appeal)
- Stopped Federal Highway Administration from forcing the state Department of Transportation to develop Greenhouse Gas performance measures covering vehicles on state highways (On appeal)
- Received recognition of Alaska's ownership of a majority of Fortymile River (Remainder going to trial in March)
- Secured access on trails for recreation and mining around Chicken, Alaska (RS 2477)
- Joined with many others to ensure the Willow project could continue (On appeal)



# WHAT'S NEW FOR FY2025?

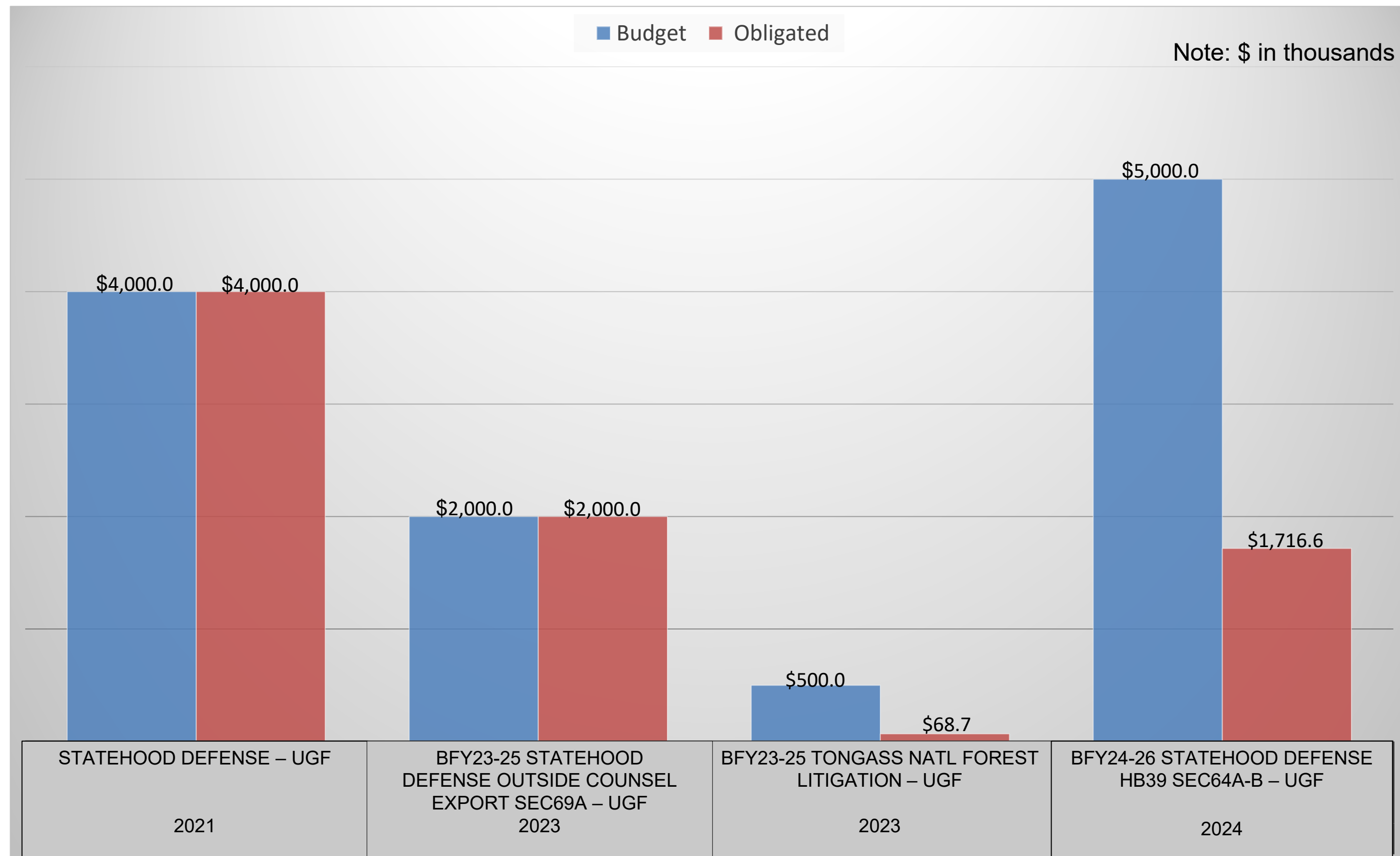


The Department anticipates increased litigation for the next few years before a period of stabilization takes over.

Ongoing statehood defense, providing sound legal counsel, and improving the lives of Alaskans remain the Civil Division's top priorities.



# MULTI-YEAR STATEHOOD DEFENSE APPROPRIATIONS



# REQUESTING CONTINUATION OF TEMPORARY INCREMENT



Last session, the Legislature approved a \$500.0 temporary increment for FY2025, intending to add the same increment for three years

This increment would total \$1,500.0 million over three years (down from the \$6.000.0 million that was previously requested)

For FY2026, request to continue with the Legislature's intent for \$500.0

Note: \$ in thousands

# LABOR RELATIONS FUNDING



## **TRANSFERRED FOUR POSITIONS AND ADDED ONE NEW POSITION TO SUPERVISE THE SECTION - \$806,000**

- Positions are already transferred, paid through RSA
- Transfer moves the positions to LAW's budget
- Net increase of only one position to head up the new section

In the three arbitrations LAW handled last year, the unions demanded over \$6 million

Discipline arbitration: State prevailed; union had to pay arbitrator's fee

Pay and contracting arbitrations: State mitigated millions of dollars in damages

- Pay issues arbitration: \$3.9 million mitigated
- Contracting arbitration: \$976.4 mitigated

## **TOTAL MITIGATION: \$4,876.4**

Note: \$ in thousands



# QUESTIONS?

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